

## Pohle, David

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**From:** V. Fichera <vmfichera@gmail.com>  
**Sent:** Thursday, October 08, 2015 7:43 AM  
**To:** andrew.abbott@dec.ny.gov  
**Cc:** Lynch, Kenneth (DEC); Bimber, David L (DEC); scott.prindle@dec.ny.gov; aaron.bliss@dec.ny.gov; John Clancy; Lucidi, Christopher M (DEC); Modigliani, Justine; Mann, Katherine; Pohle, David; Enck, Judith; Niver, Robyn; Crawford, Margaret A LRB; Bridget LRB Brown; Robinson, Judy A LRB; aaron.c.smith@usace.army.mil; karl.d.jansen@usace.army.mil; michael.a.busby@usace.army.mil; Sandra Doran; william hecht; Isomers2@twcny.rr.com; Lisa Cooper; Randy Lawrence; June Ouellette; sga16rdh@aol.com; vernon Bishop; Susan Lemon; larrylemon@aol.com; CCDistrict01@cayugacounty.us; mike\_lynch@schumer.senate.gov; John Katko; marc.gerstman@dec.ny.gov; kathy.moser@dec.ny.gov; james.tierney@dec.ny.gov; deppermitting@dec.ny.gov; fwfish@dec.ny.gov; jack.nasca@dec.ny.gov; melissa.derosa@exec.ny.gov; eugene.leff@dec.ny.gov  
**Subject:** Martville mine property contd: evidence from NY GIS - USDA FSA 2015 aerial photography on Google Maps  
**Attachments:** DEC site inspection reports.pdf; PhaseIB\_MartvilleMine\_Section(2).pdf; Ferlito to Bimber re test pits 9-2-15.pdf; NY GIS - USDA FSA aerial of 13181 Sanford Road Martville.JPG

### Addendum to the below email:

Concerning your allegation that "The southern portion of the site has been cleared however it has not be [sic] grubbed," once again I refer you to the attached archaeology report of that area wherein the archaeologist makes specific reference to root balls in addition to excavated tree holes.

Further, the photographs in the attached PhaseIB report as well as the 2015 NY GIS - USDA Farm Service Agency aerial photography on Google Maps (cf. attached snip and <https://www.google.com/maps/@43.2539846,-76.6341469,499m/data=!3m1!1e3>) substantiate that report's statements concerning excavated tree holes and root balls, providing as well a view of the low vegetation which sprouted all over the floor of the area. The evidence in this photography essentially duplicates and corroborates that from the private drone photographs previously forwarded to the agency.

The New York GIS USDA Farm Service aerial photography on Google Maps also provides documentation of the extensive deciduous tree vegetation surrounding the LOM and Sanford Road, which has been alleged elsewhere in the DEC's moving papers to be able to provide significant sound and visual barrier for mining operations at the LOM throughout the year.

I look forward to receiving the links to the sources of the DEC's 2009 water testing of the Sterling Creek in that area, as well as to the source of the allegation concerning the impassible barrier in the Sterling Creek near Route 104B. I again reiterate my concerns that the DEC has neither sought nor received any baseline testing of the waters of the Sterling Creek for comparison purposes in the event of contamination/pollution of the creek and/or its wetlands from the operations, machinery, and onsite/on truck petroleum storage at the proposed Martville mine site.

Thank you for your consideration of the above and below source requests as well as the above and below information concerning the property, the Sterling Creek and its wetlands surrounding the Life of Mine area described in the attached report of your 8-17-15 site visit.

- Dr. V. M. Fichera (PhD)

----- Forwarded message -----

**From:** V. Fichera <vmfichera@gmail.com>

**Date:** Wed, Oct 7, 2015 at 11:27 PM

**Subject:** Impassible barrier on the Sterling Creek? Soil disturbances at Martville mine LOM documented in DEC permit files

**To:** [andrew.abbott@dec.ny.gov](mailto:andrew.abbott@dec.ny.gov)

**Cc:** william hecht <[wshecht01@gmail.com](mailto:wshecht01@gmail.com)>, "Lynch, Kenneth (DEC)" <[kenneth.lynch@dec.ny.gov](mailto:kenneth.lynch@dec.ny.gov)>,

"Bimber, David L (DEC)" <[david.bimber@dec.ny.gov](mailto:david.bimber@dec.ny.gov)>, [scott.prindle@dec.ny.gov](mailto:scott.prindle@dec.ny.gov), [aaron.bliss@dec.ny.gov](mailto:aaron.bliss@dec.ny.gov), John Clancy <[john.clancy@dec.ny.gov](mailto:john.clancy@dec.ny.gov)>, "Lucidi, Christopher M (DEC)" <[christopher.lucidi@dec.ny.gov](mailto:christopher.lucidi@dec.ny.gov)>

Dear Andrew Abbott:

In your report of an 8-17-15 site visit to the Sterling Creek accompanied by several other DEC staff, obtained via FOIL (cf. the last page of the attached scan), you mention an impassible barrier on the Sterling Creek near Route 104B.

Could you provide a reference to the map or other documentation which you consulted and which can provide exact location information? I am assuming that this information is online at the DEC Website and that you will be able to provide me with the link.

I am also interested in receiving the reference to the water report you cited as dated 2009. The only thing I could find online at the DEC Website about testing of the Sterling Creek is at pages 6 and 7 of

[http://www.dec.ny.gov/docs/water\\_pdf/wilkontcsterlingcr.pdf](http://www.dec.ny.gov/docs/water_pdf/wilkontcsterlingcr.pdf) where the section of the Sterling Creek from Sterling to Martville is discussed as an important spawning ground for Lake Ontario warm water species, but the testing dates from 2005. In any event, whether 2009 or 2005 are the most recent DEC tests, they are hardly capable of establishing a baseline for 2015 and beyond in the event of contamination/siltation from the proposed mining activity and/or attendant onsite petroleum and machinery use.

As for your allegation in the report that "[t]here is no evidence that any soil has been disturbed yet" in the southern area of the Martville mine LOM, I refer you to the archaeologist's Phase B report of that very area wherein she states on page 10: "significant disturbance is limited to specific tree removal and [...] excavated tree holes" (cf. attached). Further, the permit applicant's attached email to the Region 7 Permit Administrator attests to his having also dug eight sixteen-foot deep holes, of unstated width, "throughout the property" before he purchased the land.

Thank you for your anticipated assistance in locating the map or other DEC documentation which you consulted to affirm that there is an impassible barrier on the Sterling Creek at Route 104B, and for a reference to locate the 2009 testing of the Sterling Creek.

- Dr. V. M. Fichera (PhD)